

COVINGTON & BURLING LLP

1201 PENNSYLVANIA AVENUE NW WASHINGTON
WASHINGTON, DC 20004-2401 NEW YORK
TEL 202.662.6000 SAN FRANCISCO
FAX 202.662.6291 LONDON
WWW.COV.COM BRUSSELS

ROBERT M. SHERMAN
TEL 202.662.5115
FAX 202.778.5115
RSHERMAN@COV.COM

July 7, 2006

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Waiver of July 1, 2006 Replication/Maximization
Interference Deadline
MB Docket No. 03-15

KHNL/KFVE License Subsidiary, LLC
KFVE(TV), Honolulu, HI
Facility ID No. 34445

Dear Ms. Dortch:

Pursuant to the instructions set forth in Public Notice DA 06-1255,¹ KHNL/KFVE License Subsidiary, LLC, licensee of KFVE(TV), Honolulu, HI (collectively, "KFVE"),² respectfully requests waiver of the Commission's July 1, 2006 replication/maximization interference deadline.³

¹ *DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline*, DA 06-1255 (rel. June 14, 2006) ("Interference Protection Notice").

² KFVE is the WB affiliate in Honolulu, Hawaii, which is Nielsen DMA Market Rank 72.

³ *See Second Periodic Review of the Commission's Rules & Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd. 18,279, at ¶ 78 (2004) ("DTV Biennial Review R&O").

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As the station has reported to the Commission over the past several years, KFVE experienced substantial difficulty in securing a site for its digital facilities after learning that it would not be permitted to locate its digital facilities at the same site as its existing analog transmitter. The property owner at that site has informed KFVE that the station will be permitted to operate only one transmitter – currently, KFVE(TV) – from the site. Moreover, as reflected in past filings, KFVE has been unsuccessful in its extensive efforts to arrange to provide comparable digital service from an alternate location. At the conclusion of the DTV transition, it remains KFVE's intention to discontinue operation of its analog facility and relocate KFVE-DT to the present analog site, which will allow the station to provide full service to the area identified in the station's Form 381 Pre-Election Certification Form (File No. BCERCT-20041105ATK).

Because of the challenging geographic features of the island of Oahu – including two large mountain ranges that divide the island⁴ – KFVE was granted an STA (File No. BDSTA-20041012AKF) to temporarily operate its digital facilities on digital channel 23 from a second-best site in an area controlled by a Hawaiian native trust.⁵ The STA facilities from this interim site serve the major population centers on the island of Oahu, but do not reach certain less-populated areas that are served by the station's analog operation, but are blocked from the STA site by the island's mountain ranges.

When it filed its Form 381, KFVE certified that, in the post-transition environment, it would operate KFVE-DT using its allotted replication facilities. Although the station believed at the time that it would be possible to obtain an interim transmitter site that would serve the station's full replication population, including by constructing a transmitter site that would be jointly controlled by KFVE and other Oahu broadcasters, it has so far been unable to reach this goal.

Because the station has not been permitted to improve the physical building space or tower loading capacity at its leased transmitter site, KFVE is presently providing the most expanded service that is possible from its present, second-best transmitter site. KFVE remains committed, despite its pre-transition setbacks, to providing full replication service from its current analog transmitter site after the DTV transition. A waiver of the July 2006 interference protection deadline, therefore, will permit the station to continue to provide the best possible digital service to its community before the DTV transition, but preserve its ability to provide full

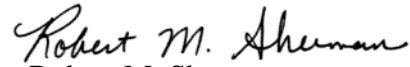
⁴ A map of the island of Oahu is attached.

⁵ The Commission most recently extended KFVE's STA until July 1, 2006 (File No. BEDSTA-20060103ACX), and the station has recently filed an application for further extension of the STA (File No. BEDSTA-20060630AIC).

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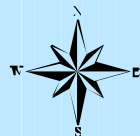
replication service after the transition is completed. Good cause therefore exists for a waiver of the July 2006 deadline as applied to KFVE.

Respectfully submitted,


Robert M. Sherman

*Counsel for KHNL/KFVE
License Subsidiary, LLC*

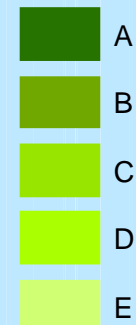
cc: Shaun Maher (via electronic mail)



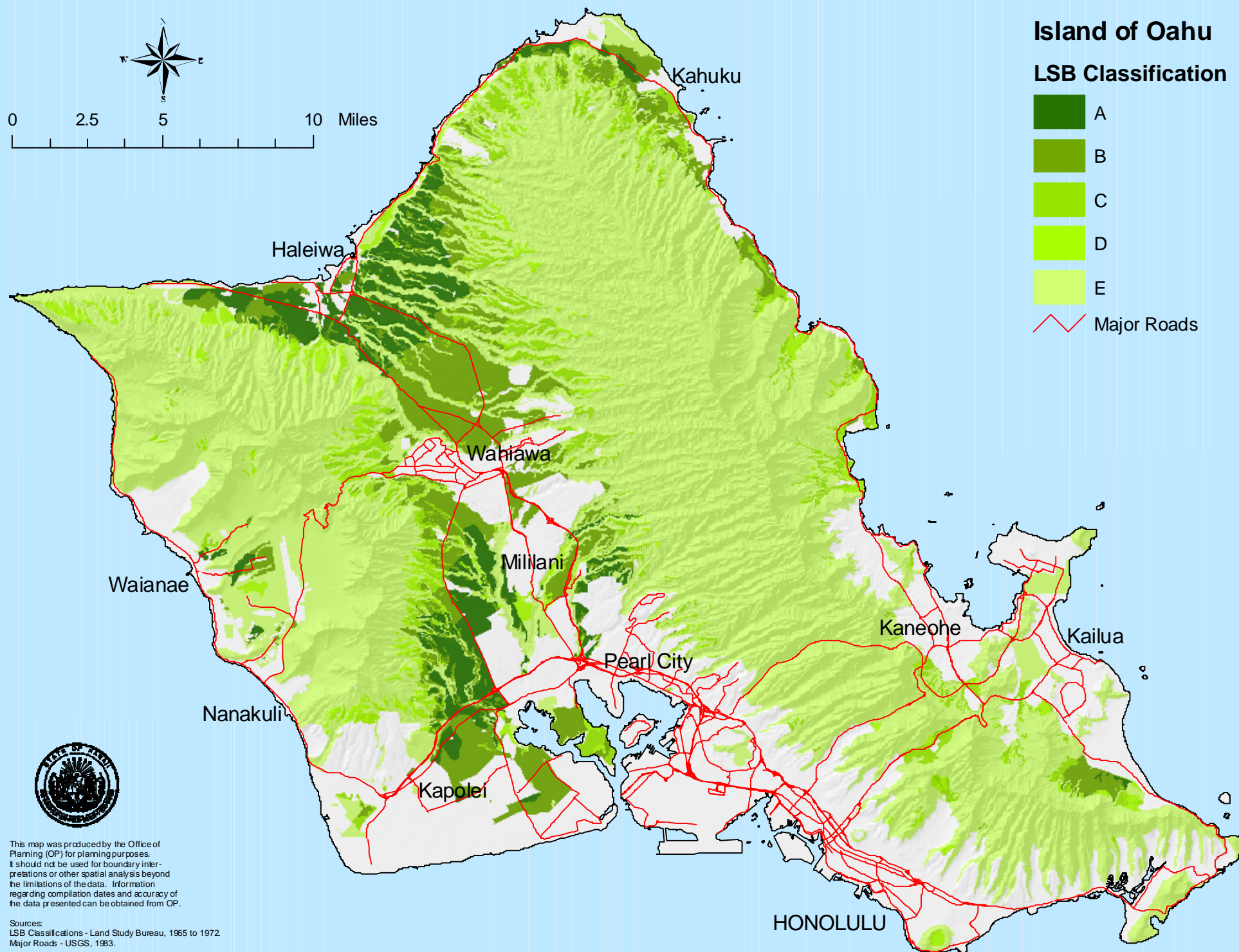
0 2.5 5 10 Miles

Island of Oahu

LSB Classification



Major Roads



This map was produced by the Office of Planning (OP) for planning purposes. It should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. Information regarding compilation dates and accuracy of the data presented can be obtained from OP.

Sources:
LSB Classifications - Land Study Bureau, 1965 to 1972
Major Roads - USGS, 1983.